

## REMARKS

Upon entry of the foregoing Amendment, claims 1, 3-6, 8-9, 12-24, 26-38, 40-42, 44-45, 48, and 55-56 are pending in the application. Claims 1, 3, 5-6, 12, 14-16, 22-24, 26, 28-38, 40-41, 44-45, 48, and 55 have been amended. No claims have been cancelled or newly added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and the following Remarks, allowance of all the pending claims is requested.

### EXAMINER INTERVIEW

Applicants thank Examiner Robinson Boyce for granting Applicants' representative the courtesy of a personal Examiner Interview on February 18, 2010. During the Examiner Interview, Applicants' representative discussed potential claim amendments to clarify various distinctions over the references relied upon in the Office Action, which the Examiner acknowledged to "appear to overcome [the] prior art" in the Interview Summary for at least the reasons discussed in further detail herein.

### REJECTION UNDER 35 U.S.C. § 103

#### A. CLAIMS 1, 3-6, 8-9, 12-28, 30-48, AND 55-56

The Examiner has rejected claims 1, 3-6, 8-9, 12-28, 30-48, and 55-56 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,547,136 to Sansone ("Sansone") in view of U.S. Patent No. 6,527,178 to Gordon et al. ("Gordon") and U.S. Patent No. 6,005,945 to Whitehouse ("Whitehouse").<sup>1</sup> This rejection is improper and must be withdrawn for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, Sansone, Gordon, and Whitehouse, either alone or in combination, fail to disclose, teach, or suggest at least the combination of features that include "retrieving the [the delivery status associated with the unique tracking identifier] stored for *the postage*

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<sup>1</sup> Applicants note that the heading for this rejection has a typographical error incorrectly identifying U.S. Patent No. 6,527,128 (see PTO-892, attached to the Office Action, identifying U.S. Patent No. 6,527,178 for Gordon), and that the heading for this rejection erroneously omits claim 48 (see page 30 addressing claim 48).

*purchase transaction* from the database in response to . . . a refund inquiry for *the postage purchase transaction*” and “refunding *the postage purchase transaction* based on the delivery status associated with the unique tracking identifier,” as recited in amended independent claim 1, for example. The Examiner alleges that Sansone discloses “retrieving the information stored for the postage transaction from the database in response to the postage-issuing computer system receiving a refund inquiry for the postage transaction” and “refunding the postage transaction based on the delivery status associated with the unique tracking identifier.” Applicants disagree with the Examiner’s assessment for at least the reason that Sansone is unrelated to refunding a “*postage purchase transaction*,” much less to refunding such a transaction based on the delivery status associated with a unique tracking identifier that provides a mail piece tracking capability in the United States Postal Service.

Rather, Sansone generally relates to a system that provides a “Merchandise Return Label” that includes pre-paid postage from a postage meter owned by a seller of goods, such that a buyer of the goods can return the goods to the seller in a mail piece carrying the “Merchandise Return Label.” In this context, the Examiner alleges that “the postage to mail the goods back to the seller is analogous to the postage refund since it is common for a business to provide a buyer with free shipping with a return.” Office Action, page 5. However, contrary to the Examiner’s assertions, Sansone’s description of “the postage to mail the goods back to the seller” is not analogous to the claimed postage purchase transaction refund because Sansone clearly indicates that the seller pre-pays the postage on the Merchandise Return Label. In other words, the buyer that sends the mail piece carrying the “Merchandise Return Label” cannot reasonably be characterized as receiving a refund for *a postage purchase transaction* because, in Sansone, the buyer does not actually purchase the postage.

In fact, the Examiner’s allegations essentially concede that the buyer does not purchase the postage for the “Merchandise Return Label,” whereby buyers cannot receive refunds for postage purchase transactions that the buyer never participated in. For example, the Examiner cites a scenario where a business “provide[s] a buyer with free shipping with a return,” in which case the relevant entity that purchases the postage would be the business, not the buyer. Consequently, in Sansone, the business would be the only entity eligible to receive a

refund for the postage on the "Merchandise Return Label." Furthermore, Sansone does not disclose, teach, or suggest refunding the postage on the "Merchandise Return Label," but rather describes techniques for enabling buyers to affix the "Merchandise Return Label" to a package that includes returned goods. Thus, even if Sansone could be characterized as describing techniques whereby buyers can be refunded for goods shipped in packages that bear the "Merchandise Return Label," while sellers purchase the postage for the packages, these techniques do not refund the buyer or the seller for the **postage** on the package. As such, the Examiner has erroneously equated the "common [practice] for a business to provide a buyer with free shipping with a return" with a refund for a postage purchase transaction.

For example, the only postage purchase transaction described in Sansone generally includes the seller pre-paying the postage for a mail piece that will carry goods that the buyer wants to return to the seller, thereby providing the buyer free shipping on the return. Thus, in Sansone, the buyer only incurs expenses for the original cost paid to the seller for the goods being returned to the seller. Hence, the only entity that could receive a refund for postage in such a transaction would be the seller, whereas the buyer only receives a refund for the original cost paid to seller for the goods. In contrast, amended independent claim recites "refunding the **postage purchase transaction**," which relates to actual postage rather than contents included in a mail piece that may carry the postage. For example, in the claimed "postage purchase transaction," an end user may add funds to "a given postage account," which then increases "the amount of postage available to create indicia" (e.g., Specification, page 12, lines 16-23). Thus, the end user may request a refund for a portion of funds from the postage purchase transaction that were used to create a postage indicium that misprinted or will not be used for some other reason.

As such, whereas amended independent claim 1 relates to techniques for determining whether or not to refund a particular "**postage purchase transaction**," Sansone relates to fundamentally distinct techniques that enable buyers to return goods to sellers **without** having to purchase postage for the return. For at least these reasons, Sansone does not disclose, teach, or suggest the foregoing features recited in amended independent claim 1.

Moreover, in addition to the general distinctions discussed above between the claimed invention and the techniques described in Sansone, amended independent claim 1 further recites that the postage transaction may be refunded “based on the delivery status associated with the unique tracking identifier.” For example, the delivery status generally indicates whether or not the USPS has delivered a mail piece carrying the unique tracking identifier associated with the postage purchase transaction identified in the refund inquiry. Thus, the postage-issuing computer system may determine that the unique tracking identifier has not been used in response to determining that the delivery status indicates that the USPS has not delivered any mail pieces carrying that unique tracking identifier. In other words, if the USPS has not delivered any mail pieces that carry the unique tracking identifier for the postage purchase transaction identified in the refund inquiry, the postage-issuing computer system can assume that the postage has not been used and that the postage purchase transaction can therefore be refunded. On the other hand, if the delivery status indicates that the USPS has delivered a mail piece carrying that unique tracking identifier, the postage-issuing computer system may deny the refund because the postage was actually used on a delivered mail piece.

Thus, amended independent claim 1 generally recites various features that relate to determining whether or not to refund a “*postage purchase transaction*,” and further to determining whether or not to issue the refund based on the delivery status associated with a unique tracking identifier created in the postage purchase transaction. In contrast, Sansone relates (at best) to techniques for providing free shipping on mail pieces that buyers send to sellers to obtain refunds for *goods* that the buyers ship in the mail pieces. Accordingly, for at least the reason that the “Merchandise Return Label” described in Sansone only provides pre-paid postage that can be used to return goods to a seller with free shipping, the system described in Sansone refunds neither the buyer nor the seller for the transaction that results in purchasing the postage for the free return. As such, for at least this reason, Sansone does not disclose, teach, or suggest the foregoing features that relate specifically to refunding postage purchase transactions based on the delivery status associated with unique tracking identifiers created in the postage purchase transactions.

Gordon fails to cure the foregoing deficiencies of Sansone for at least the reason that the Examiner only relies upon Gordon as allegedly showing “generating [] a unique postage indicium in response to receiving a request for a postage transaction.” In particular, the Examiner generally alleges that Gordon describes techniques for storing “associated indicia and recipient address information in an indexed fashion” using “a serial or transaction number.” Office Action, page 6. However, even assuming *arguendo* that the Examiner has correctly characterized Gordon (which Applicants do not concede), indexing a postage indicium with a serial or transaction number in and of itself does not disclose, teach, or suggest referencing the serial or transaction number to determine whether or not to refund a transaction in which the postage indicium was purchased, much less to determining whether or not to refund the transaction based on a delivery status associated with the serial or transaction number. For at least these reasons, Gordon fails to cure the foregoing deficiencies of Sansone.

Additionally, Whitehouse further fails to cure the foregoing deficiencies of Sansone and Gordon because Whitehouse does not describe techniques for refunding a postage purchase transaction based on the delivery status associated with “a unique tracking identifier” created in the transaction. Rather, Whitehouse generally describes techniques for refunding postage purchase transactions in scenarios where the USPS has not processed “an indicium with the date, meter number and serial number of the allegedly misprinted indicium” (col. 24, line 53 *et seq.*). However, amended independent claim 1 recites “a unique postage indicium” distinctly from “a unique tracking identifier” contained in the indicium. In particular, amended independent claim 1 recites features that determine whether to refund a postage purchase transaction based on a delivery status for “***the unique tracking identifier,***” which can be used to track mail pieces in the USPS, whereas Whitehouse describes techniques that refund postage purchase transactions based on the status of the ***postage indicium***. For at least these reasons, Whitehouse fails to cure the foregoing deficiencies of Sansone and Gordon.

Accordingly, for at least the foregoing reasons, Sansone, Gordon, and Whitehouse, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended independent claim 1. The rejection is therefore improper and must be withdrawn.

Independent claims 15, 23, 28, 33, and 48 have been amended to include features similar to those set forth in amended independent claim 1. Claims 3-6, 8-9, 12-14, 16-22, 24, 26-27, 30-32, 34-38, 40-42, 44-45, and 55-56 depend from and add features to one of amended independent claims 1, 15, 23, 28, 33, and 48. Thus, the rejection of these claims is likewise improper and must be withdrawn for at least the same reasons.

**B. CLAIM 29**

The Examiner has rejected claim 29 under 35 U.S.C. § 103 as allegedly being unpatentable over Sansone in view of Gordon, Whitehouse, and U.S. Patent No. 5,008,827 to Sansone et al. ("Sansone et al."). This rejection is improper and must be withdrawn for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, for at least the reasons discussed above, Sansone, Gordon, and Whitehouse, either alone or in combination, fail to disclose, teach, or suggest at least the combination of features that include "retrieving the [the delivery status associated with the unique tracking identifier] stored for ***the postage purchase transaction*** from the database in response to . . . a refund inquiry for ***the postage purchase transaction***" and "refunding ***the postage purchase transaction*** based on the delivery status associated with the unique tracking identifier," as recited in amended independent claims 1 and 28, for example.

Sansone et al. fails to cure the foregoing deficiencies of Sansone, Gordon, and Whitehouse for at least the reason that the Examiner has only relied upon Sansone et al. as allegedly disclosing a system that can be used to track an article through a delivery system. As such, even assuming *arguendo* that the Examiner has correctly characterized Sansone et al. (which Applicants do not concede), tracking an article through a delivery system in and of itself does not fairly disclose, teach, or suggest that such tracking information is used to determine whether or not to refund a postage purchase transaction. For at least this reason, Sansone et al. fails to cure the foregoing deficiencies of Sansone, Gordon, and Whitehouse.

Accordingly, for at least the foregoing reasons, Sansone, Gordon, Whitehouse, and Sansone et al., either alone or in combination, fail to disclose, teach, or suggest each and every

feature of amended independent claim 28. Claim 29 depends from and adds features to amended independent claim 28. Thus, the rejection of claim 29 is improper and must be withdrawn for at least the foregoing reasons.

## CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action. As such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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